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4 | Pro Se Defendant and Petitioner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Equity Trust, Custodian FBO
Michael S.Tonti, Bud Evanson ,and Steven
Johnson

Plaintiff(s),

vs.

James Johnson Gillott, Kathleen M. Gillott,
Beau Gillott, Brooke Gillott, Jack A.
Gillott, Adam Gillott, Claire Gillott, Gillott
Ranches, LLC, A California Limited
Liability Company (FTB Suspended)

Defendant(s).

Case Number: 22 07826

Title of Document:
**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. 1441, U.S.C. 1446,
and U.S.C. 1452, Art III.S2.C1.11.5
REMOVAL FROM STATE TO
FEDERAL COURT,**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

1 1. On March 7, 2022 an action was commenced in the Superior Court of the State of California in and for the County of
 2 Monterey entitled Equity Trust, Custodian, FBO Michael S. Tonti, Bud Evanson, and Steven Johnson vs. James Johnson Gillott, Kathleen M. Gillott, Beau Gillott, Brooke Gillott, Jack A. Gillott, Adam Gillott, Claire E. Gillott, Gillott Ranches LLC, A California Limited Company (FTB suspended) as case number 22CV000619 attached hereto as Exhibit "A" and incorporated
 3 Herein by reference.

4 2. The first date which defendant(s) received a copy of the said complaint was March 27,2022 when defendant(s) were
 5 served with a copy of the said complaint and summons from the said state court. A copy of the summons is attached hereto as
 6 Exhibit "B" and incorporated herein by reference.

7 3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. 1441, 28 U.S.C. 1446, U.S.C.
 8 1452, and under ArtIIS2.C1.11.5 Removal from state court to Federal Court. Which may be removed to this court by
 9 defendant(s) pursuant to the provisions of the United States Constitution in that it arises under Constitutional Authority in the
 10 following matter. Multiple legislative laws have been violated by the plaintiffs and the state court that has presided over this case
 11 That has caused irreparable harm.

12 A) Improper 90 day notice to evict 1161(a)

13 B) The Statute of Limitations

14 C) Faulty and improper foreclosure

15 D) Plaintiffs non compliance with lease

16 E) Violation of automatic stay (federal)

17 F) Plaintiffs Cannabis conduct

18 G) Non service of documents in civil proceedings to 6 of the defendants.

19 H) Entry of judgement on 6 defendants with valid automatic stay in place during court proceedings.

20 I) Plaintiffs attorney in conflict

21 J) Failure to adhere to binding arbitration as agreed to in a binding lease agreement..

22 K) Plaintiffs predatory lending and fraud. The defendants are a 5th generation family that has had full possession of the subject
 23 property for over 150 years. The plaintiffs loaned to Defendant James Johnson Gillott that was secured by a note and deed of
 24 trust in 2004. In July of 2011 with the note current and loan payments concealed, the Plaintiffs foreclosed on the property. The
 25 foreclosure was an inflated faulty foreclosure conducted by the plaintiffs to obtain title with backdoor promises made to the
 26 defendant James Gillott the borrower. Mr Gillott was also involved in other business transactions with the plaintiffs that

1 provided them tax shelters for property sales they conducted over time in their Hard Money loan sharking business. In 2015
 2 the plaintiffs in the case demanded a lease be executed by James Johnson Gillott and the Plaintiffs to tighten things up
 3 between the parties relationship and the nature of the possession for Mr Gillott. The agreement was drafted by the plaintiffs
 4 attorney and it was agreed in the terms of the agreement that it was a lease and option to repurchase the property. In
 5 November of 2020 the plaintiffs in retaliation to a loan sharking loan made to defendant Kathleen Gillott who's continued
 6 requests for accounting on a separate property inherited from her deceased mother triggered eviction on the Gillotts Home
 7 Hence the subject of the state court case 22CV000619 the notice of removal of action to this court. Their are multiple factors
 8 that qualify this case to be heard in federal court. First of all the "A defendant can remove a case within 30 days of receiving
 9 an amended petition or complaint . In many situations , however , the defendant cannot remove the case if more than one year
 10 has elapsed since the lawsuit was first filed." The state case was filed in March of this year approximately 10 months ago
 11 and the case has been amended within the last 30 days. The case was stayed by Bankruptcy and the state court violated the
 12 automatic stay during and prior to any granted relief, several legislative violations were addressed at the plaintiffs ex parte
 13 motion in bankruptcy court and the presiding judge claimed the jurisdiction at that time was at the state level which through
 14 research and constitutional rights brings this notice of removal. The bankruptcy would never have been filed if legislative law
 15 in state court was adhered to. The states court failure to follow the legislative rules is the cause of significant damage to the
 16 Gillott family.^14 U.S. 304,347-51(1816) In upholding a statute that allowed the Supreme Court to review state court
 17 judgements , the court explained " The CONSTITUTION OF THE UNITED STATES was designed for the common and
 18 equal benefit of all the people of the United States.. The judicial power ... was not to be exercised exclusively for the benefit
 19 of parties who might be plaintiffs, and would elect the national forum but also for the protection of defendants who might be
 20 entitled to try their rights, or assert their privileges, before the same forum.[if] the plaintiff may always elect the state court,
 21 the defendant of all the security which the constitution intended in aid of his rights. Such a state of things can , in no respect,
 22 be considered as giving equal rights." Id. At 348-49., In this case ,Federal court will present an equal and fair opportunity for
 23 their defense and Since federal judges have lifetime appointments , their courts offer more consistency in terms of
 24 matters ,Federal courts have more experience with the handling of lawsuits and enforce legislative law,Rules of procedure and
 25 caselaw are more consistent and deal with truth and fact at the federal level.The federal Rules of Civil Procedure are the same
 26 throughout the nation ,and all district courts in a circuit are bound by the same precedents.. In this case the federal court will
 27 clearly see the bias of the state court in favor of the plaintiffs and the plaintiffs attorney and the lapse of adhering to the rule of
 28 legislative law. To provide support to this NOTICE OF REMOVAL OF ACTION IN DEFENDANTS PRAYER TO have the

1 state case heard and continued in federal court I provide the following information

2 1. Exhibit "C" Kathleen Gillott opposition to the relief of stay

3 2 .Exhibit "D" Declaration of James Johnson Gillott in opposition to motion for relief of
4 stay

5 L) 3. Exhibit "E" Motion of points and authorities in support of motion for summary judgement

6 4 .Exhibit."F" Plaintiffs Opposition to Defendant James Johnson Gillott's motion for summary
7 judgement.

8 5. Exhibit "G" Reply to opposition to motion for summary of judgement

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10 The primary objective is to allow this case to be reviewed , corrected and conducted in Federal
11 Court , the legislative law cannot be ignored and the violations of those laws in state court
12 need to be corrected and the law enforced to create a non bias conclusion. In Martin v. Hunter
13 Lessee, the Supreme Court likened removal before trial to federal appellate review of state
14 court judgements, asserting that both served the purposes of promoting fairness and ensuring
15 the uniform interpretation of federal law. Respectfully Submitted

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17
18
19 Kathleen Brown Gillott

20 12/9/22

Kathleen Brown Gillott

All other defendants who have been served with Summons and complaint have joined in this Notice of Removal as evidenced by the signature of Kathleen Brown Gillott in conclusion of notice and as shown below All Defendants fully agree to this Notice of Removal and Hereby sign this page to evidence approval

Date: 12-9-2022

Sign Name:

Print Name: James Johnson Gillott

Date: 12/09/22

Sign Name:

Print Name: Beau Gillott

Date 12-9-2022

Sign Name: Jack Gillott

Print Name: Jack Gillott

Date 12/09/2022

Sign Name:

Print Name: Adam Gillott

Date 12-9-22

Sign Name:

Print Name: Claire Gillott

Date December 9, 2022

Sign Name: Brooke Gillott

Print Name: Brooke Gillott

Date 12-9-22

Sign Name: Kathleen Brown Gillott

Print Name: Kathleen Brown Gillott